

AMENDED IN SENATE JUNE 14, 2006

AMENDED IN ASSEMBLY MARCH 30, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 2500**

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**Introduced by Assembly Member Laird  
(Principal coauthor: Assembly Member Nava)**

February 23, 2006

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An act to add Part 8 (commencing with Section 9650) to Division 5 of the Water Code, relating to water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2500, as amended, Laird. Project levee upgrade funds: local safety plans.

(1) Under existing law, the Department of Water Resources expends or allocates funds on behalf of various flood control projects within the Sacramento-San Joaquin Delta and related areas.

This bill would prohibit the state, *commencing July 1, 2007*, from allocating or expending funds for the upgrade of a project levee that protects an urban area in which more than 10,000 people reside, unless the ~~beneficiary~~ *local agency responsible for the operation and maintenance of the project levee and any city or county enters protected by the project levee enter into an agreement with the department pursuant to which the city or county agrees to adopt, within 3 years, to adopt* a safety plan that includes specified components, *within 2 years. The bill would provide that where a city or county is responsible for the operation or maintenance of the project levee, the governing body would be required to approve a resolution committing to the preparation of a safety plan within 2*

years. The bill would define the “upgrade of a project levee” to mean specified improvements, excluding any action undertaken on an emergency basis.

~~The bill would authorize the city or county, if it is not the local agency responsible for the operation and maintenance of the project levee, to require a local flood control agency, as specified, to carry out the safety plan.~~ By establishing requirements on *cities, counties, and* local flood control agencies in connection with the safety plans, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Part 8 (commencing with Section 9650) is added to Division 5 of the Water Code, to read:

#### PART 8. PROJECT LEVEE UPGRADES

9650. (a) ~~The Commencing July 1, 2007, the state shall not allocate or expend funds for the upgrade of a project levee that protects an urban area in which more than 10,000 people reside unless the beneficiary local agency responsible for the operation and maintenance of the project levee and any city or county protected by the project levee, including a charter city or charter county, enters enter into an agreement with the department pursuant to which the city or county agrees to adopt, within three years, a safety plan that includes, at a minimum, to adopt a safety plan within two years. If a city or county is responsible for the operation and maintenance of the project levee, the governing body shall approve a resolution committing to the preparation of a safety plan within two years.~~

1     ***(b) The safety plan shall, at a minimum, include all of the***  
2     ***following elements:***

3     ***(1) A flood preparedness plan that includes storage of***  
4     ***materials that can be used to reinforce or protect a levee when a***  
5     ***risk of failure exists.***

6     ***(2) A levee patrol plan for high water situations.***

7     ***(3) A flood-fight plan for the period before state or federal***  
8     ***agencies assume control over the flood-fight, including a***  
9     ***contingency plan of response in the event a levee shows signs of***  
10    ***failing during high water.***

11    ***(4) An evacuation plan that includes a system for adequately***  
12    ***warning the general public in the event of a levee failure, and a***  
13    ***plan for the evacuation of every school, residential care facility***  
14    ***for the elderly, and long-term health care facility.***

15    ***(5) A ~~floodwater removal plan~~ determination of how***  
16    ***floodwaters would be removed and how long the removal would***  
17    ***take.***

18    ***(6) A requirement, to the extent reasonable, that either of the***  
19    ***following ~~apply~~ applies to a new building in which the***  
20    ***inhabitants are expected to be essential service providers:***

21    ***(A) The building is located outside an area that may be***  
22    ***flooded.***

23    ***(B) The building is designed to be operable shortly after the***  
24    ***floodwater is removed.***

25    ***~~(b) If the city or county is not the local agency responsible for~~***  
26    ***~~the operation and maintenance of the project levee, the city or~~***  
27    ***~~county may require a local agency responsible for operation and~~***  
28    ***~~maintenance of any project levee that protects the relevant urban~~***  
29    ***~~area to carry out any portion of the safety plan if the city or~~***  
30    ***~~county provides the necessary funding to that agency for that~~***  
31    ***~~purpose.~~***

32    ***(c) This section does not require the adoption of an element of***  
33    ***the safety plan that was previously adopted and remains in effect.***

34    ***9651. Unless the context requires otherwise, the definitions***  
35    ***set forth in this section govern the construction of this part.***

36    ***(a) "Essential service providers" includes, but is not limited to,***  
37    ***hospitals, fire stations, police stations, ~~jails, and schools.~~ and***  
38    ***jails.***

39    ***(b) "Long-term health care facility" has the same meaning as***  
40    ***defined in Section 1418 of the Health and Safety Code.***

1     ~~(b)~~

2     (c) “Project levee” means a levee located in the Sacramento  
3 River and San Joaquin River drainage for which the Reclamation  
4 Board or the department has given assurances to the United  
5 States of nonfederal cooperation required for the project.

6     (d) “*Residential care facility for the elderly*” has the same  
7 meaning as defined in Section 1569.2 of the Health and Safety  
8 Code.

9     (e) “School” means a public or private preschool, elementary  
10 school, or secondary school or institution.

11    ~~(e)~~

12    (f) (1) “Upgrade of a project levee” means installing a levee  
13 underseepage control system, increasing the height or bulk of a  
14 levee, installing a slurry wall or sheet pile into the levee,  
15 rebuilding a levee because of internal-~~geological~~ geotechnical  
16 flaws, or adding a stability berm.

17    (2) Notwithstanding paragraph (1), an upgrade of a project  
18 levee does not include any action undertaken on an emergency  
19 basis.

20    SEC. 2. If the Commission on State Mandates determines that  
21 this act contains costs mandated by the state, reimbursement to  
22 local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.